

**MINUTES OF THE REGULAR MEETING  
OF THE  
COMMUNITY PLANNING AND DEVELOPMENT BOARD**

**January 13, 2004**

**CALL TO ORDER**

Chair Hawley called the meeting to order at 7:00 p.m.

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**ROLL CALL**

Present: Chair John Hawley, Vice-Chair Bill Raney, Annette Napolitano, Carol Kempiaik, Earl Warren, Jim Burch, Rueben Jimenez and Alternate Jim Zwerg

Absent: None

Council Member: Dr. Robert Doster

Staff Present: Larry Harmer, Liz Zeller, Phil Garthright, Joe Blanton, Woody Scoutten, Connie Meadows and Pam Tulkan

**APPROVAL OF MINUTES**

Chair Hawley asked for a motion to approve the minutes of the December 9, 2003 Regular Meeting. Member Burch made a motion to approve the minutes of December 9, 2003 Regular Meeting seconded by Member Warren. The motion passed unanimously.

**4. WITHDRAWALS/CONTINUANCES: NONE**

**5. NEW BUSINESS:**

**5A. A03-21: VERRADO SOUTH PARCEL ANNEXATION**

Request by Biskind, Hunt & Taylor, PLC, on behalf of DMB White Tank, LLC, for the annexation of approximately 16 acres located west of Airport Road and just south of I-10. Brian Marshall, with Biskind, Hunt & Taylor, PLC, was present to answer any questions. The Board asked if the I-10 Right-of-Way that is shown is annexed. Woody Scoutten answered that the I-10 Right-of-Way was annexed by the Town so we have control over traffic issues that occur on the Interstate. Vice-Chair Raney made a motion to approve A03-21, seconded by member Napolitano. The motion passed unanimously.

**5B. A03-22: HODGES FARM ANNEXATION**

Request by Stephen Brophy, on behalf of Hodges Family Limited Liability Co., for the annexation of approximately 312 acres located at the southeast corner of Miller Road and Broadway Road. Ms. Zeller gave an overview of the request and introduced Mr. Stephen Brophy, who was available to answer any questions. Member Raney made a motion to approve A03-22, seconded by member Kempiaik. The motion passed unanimously.

### **5C. RZ03-378: HODGES FARM REZONING**

Request by Stephen Brophy, on behalf of Hodges Family Limited Liability Co., for the rezoning of approximately 312 acres located at the southeast corner of Miller Road and Broadway Road. Ms. Zeller explained that the approximately 20 acres on the immediate southeast corner on Miller Road and Broadway Road will be rezoned from Rural-43 to Commercial Center to match existing zoning on the three adjacent corners. The remainder of the property, approximately 290 acres, will be rezoned from Rural-43 to Planned Residential. This request requires a Minor General Plan Amendment to change the Town's Land Use District Map from Planned Community to Commercial Center and Planned Residential for this area. Mr. Brophy was present for questions. Vice Chair Raney questioned whether the 20 acres on the southeast corner will be entirely retail. Mr. Harmer confirmed. Member Burch inquired whether the Board could review and overrule this Minor General Plan Amendment already approved by staff. Mr. Harmer explained that the Board has a right to challenge and overturn the Planning Director's decision. The Board felt that the approval of this Minor General Plan Amendment tied their hands in evaluating the rezoning application. How could they deny the rezoning application when the Land Use District Map was already changed and this rezoning was only to comply with the Town's map? Staff will evaluate the Minor General Plan Amendment approval process. Chair Hawley opened the public hearing. There being no comments, Chair Hawley closed the public hearing. Member Kempiake stated there was lack of notification to citizens of Northwood Park Estates. Mr. Brophy replied that notices were sent and possibly the addresses of some residents may have been missed or their notices may have been returned undeliverable to him. Steve Brophy produced some return letters that were returned to him, but Member Kempiake's was not in the group. Mr. Brophy also stated that he contacted the Home Owner's Association Board President to put the meeting notice in their newsletter. Mr. Brophy's attempt to contact the Northwood Park Estates residents far exceeded the 300' notification requirement established by the State. Member Kempiake would like staff to evaluate that 300' requirement. Member Warren made a motion to approve RZ03-378, seconded by Member Burch. The motion passed unanimously.

### **5D. SP03-395: CHECKER AUTO PARTS STORE SITE PLAN**

Request by Randy Rochford, on behalf of Spiker Holdings, for Site Plan Approval of a Checker Auto Parts Store located at the northwest corner of Miller Road and Broadway Road. This will be an approximately 7,000 sq. ft. store. Ms. Zeller gave a brief overview of the proposed site plan. Mr. Rochford was available for any questions the Board had. Chair Hawley inquired as to the noise associated with the pick-up of the trash receptacle, which is located adjacent to the Northwood Park Estates Subdivision. Mr. Rochford assured the Board the noise would be minimal. Member Napolitano wanted to verify that the future full width of Miller Road was shown on this site plan, so as to not require any dedication from the property owner in the future. Mr. Scoutten assured her that the site is planned around the full street width. Member Kempiake inquired about lighting to adjacent streets and what impact it would have on the surrounding property owners. Mr. Rochford assured the Board the Town's Night Sky Ordinance will be enforced. Member Burch stated that the building lighting must comply with the Ordinance and the lamps would have non-visible bulbs and not directly shine on adjacent property. Member Burch asked about the existing power pole located at the existing residential property. Mr. Rochford stated that the pole only provides power to the house and would be removed when the house is removed when the site is developed. Chair Hawley

opened the public hearing. **Greg P. Malone** of 4275 S. Emerald Dr., Buckeye, Arizona, had some concerns regarding the 10-foot minimum requirement for landscaping. Staff explained that a minimum of 10 feet is required between residential and commercial uses and also at the rezoning hearing for this property the surrounding residents requested the buffer to be landscaped to screen the building from the existing houses. **Mr. Malone** also inquired about whether the existing 6-foot masonry wall meets building standards or whether the builders will be required to build a new wall. Mr. Harmer stated that building code requirements have to be met whether on a new wall or the existing one. Chair Hawley requested that a new stipulation "s" be added that, "requests the developer and staff to examine the existing block fence as to whose property it is on, if it is structurally suitable and if it meets the Town of Buckeye's Codes or if a new wall would need to be constructed." **Mr. Malone** requested the Board to review the buffer zone and see that requirements are met and also stated his concerns regarding lighting from the Checker Auto Parts Store that may shine into his backyard. **Myrna Malone** of 4275 S. Emerald Dr, Buckeye, Arizona, spoke of her concerns to not allow the new proposed Checker Store to become another "Love's" and create a problem of trash and congestion. Mr. Rochford stated that there will be a maintenance agreement with the lease of the other buildings proposed that a landscape maintenance company will maintain the site. There being no further comments, Chair Hawley closed the public hearing. Member Kempiak made a motion to approve SP03-395 with the added stipulation "s", seconded by Member Warren. The motion passed unanimously.

#### **5E. PP02-102: SONORAN VISTA PRELIMINARY PLAT EXTENSION**

Request by Joe Kalish, on behalf of Sonoran Vista Development Group, LLC, for an eighteen-month extension of the Sonoran Vista Preliminary Plat originally approved by the Development Board on January 28, 2003. Mr. Kalish explained that the Town is still expanding, but that it does not have a Master Drainage Study and Valencia Water Company does not have any money to do such a study. Mr. Kalish stated that he retained Fluid Solutions to do this study so his project could proceed. He stated that the developers need to be able to fund all water and sewer service. Mr. Kalish said that it has taken about 1-year just to drill 2 wells. The first well caved in and a second needed to be drilled. Another well will need to be drilled in order to meet the needs of this and the surrounding projects' water needs. He also said that the Watson/Apache Road Improvement District is at least 6 months away from getting the sewer grade level established, this would then allow the projects tying onto this sewer line to start on their sewer plans. Staff said that when the Improvement District trunk sewer line is approved then a final plat package can be submitted, and this complete package would give the plat standing and not require another extension request. Staff felt that with the truck line probably being approved in July, this would allow the developer 6 months to complete the final plat package and submit it to the Town and that this was sufficient time and so staff only recommended a 1-year extension. Mr. Kalish requested the Board give him an 18-month extension for the project because of his past experience and that the timelines do not address the "real world" scenarios. Vice-Chair Raney made a motion to approve a one-year extension to PP03-102, seconded by Member Burch. The motion passed unanimously.

**5F. PP03-277: SUNDANCE PARCEL 45A PRELIMINARY PLAT**

Request by Dave Ullrich, with RBF Consulting, on behalf of Patlin Homes for preliminary plat approval of Sundance Parcel 45A located at the northeast corner of Durango Street and 223<sup>rd</sup> Avenue. This parcel is classified as Low Density and proposed 70 lots on 32.34 acres. Mr. Ullrich explained that this Parcel was sold to Canterra Homes. He also requested a change with stipulation “j” because it required a 16” water line to be constructed. He stated that the line may be smaller, but that the capacity would be made up elsewhere in the system. The Town Engineer accepted this change. Member Napolitano wanted to know the status of the school site. Mr. Ullrich said that the plans were in for review. The Board stated that there are some safety concerns with the Sundance project. Rainbow Road just past Durango Street curves to the left and narrows, but there is no sign announcing this change in road width. Also there is a tree blocking the stop sign at Rainbow and Yuma Roads. Chair Hawley opened the public hearing. There being no comments from the public Chair Hawley closed the public hearing. Vice-Chair Raney asked why some retention areas within Sundance are turf and some are just decomposed granite. Bobbie Johnson, representing Buckeye Land Management, said that the parcels are evaluated individually and that public use areas are typically the turf and the solely retention areas may be the decomposed granite. Vice-Chair Raney said that after the rains the granite retention areas look ragged. Vice-Chair Raney made a motion to approve PP03-277, with stipulation “j” to be reviewed by staff, seconded by Member Warren. The motion passed unanimously.

**5G. CMPA03-452: SUNDANCE COMMUNITY MASTER PLAN AMENDMENT**

Request by RBF Consulting, on behalf of Buckeye Land Management, for approval of a Major Amendment to the Sundance Community Master Plan to allow ground mounted mechanical equipment (typically air conditioning units) in non-access side yards within 5-feet of a property line in lots with typical widths of 40’ and 45’, where the lots only have 5’ and 5’ side yard setbacks. Mr. Blanton explained that the applicant had difficulty with some language in the staff report as it talked about lot square footage, but this inaccurately described the issue. Mr. Blanton suggested that staff take out the language related to the square footage and reference that these are the typical 40’ and 45’ wide lots, as measured at the front setback of the house and that per the Sundance Community Master Plan are only required to have 5’ side yard setbacks. Any lots that have 5’ and 8’ or 5’ and 10’ side yard setbacks still may not place the air conditioning units within the 5’ side yard setback. Member Napolitano wanted to know if there were any other requirements that staff could suggest like keeping the air conditioning units on the same side as the garages. Chair Hawley opened the public hearing. There being no comments from the public Chair Hawley closed the public hearing. Vice-Chair Raney made a motion to approve CMPA03-452 seconded by Member Burch. The motion passed.

**COMMENTS FROM THE PUBLIC: NONE**

**REPORT FROM STAFF:**

Ms. Zeller announced to the Board that ADEQ had reserved the Community Center for two neighborhood meetings regarding the Phoenix Landfill scheduled for January 22, 2004 from 6pm to 8pm and February 26, 2004 from 6pm to 8pm. Mr. Harmer updated the Board on Verrado's progress. The Town walked through the construction site and approved a Special Event Permit for the Saturday and Sunday invitation only open house. He also explained that they have a Conditional Occupancy Permit for some of the buildings. The next weekend would be the Grand Opening for the general public.

**REPORT FROM THE DEVELOPMENT BOARD: NONE**

**ADJOURNMENT:**

Chair Hawley called for a motion to adjourn the meeting. Member Napolitano made a motion to adjourn the meeting seconded by Vice-Chair Raney. The motion passed unanimously. Meeting adjourned at 8:45 p.m.

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John Hawley, Chair

**ATTEST:**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Community Planning and Development Board held on the 13th day of January 2004. I further certify that the meeting was duly called and that a quorum was present.

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Larry C. Harmer, Secretary